



Request For Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	08/993,696
Filing Date	12/18/97
First Named Inventor	David J. Schanzlin
Art Unit	3738
Examiner Name	David H. Willse
Attorney Docket Number	AT 2028.21

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. ☐ Other _____

- b. ☒ Enclosed

- i. ☒ Amendment/Reply
ii. ☒ Affidavit(s)/Declaration(s)
iii. ☒ Supplemental Information Disclosure Statement (IDS)
iv. ☒ Other Return Postcard

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-2518, referencing billing number 2023915-7004234002

- i. ☒ RCE fee required under 37 C.F.R. 1.17(e)
ii. ☒ Extension of time fee (37 C.F.R. 1.136 and 1.17)
iii. ☐ Other _____

- b. ☐ Check in the amount of \$ _____ enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Antoinette F. Konski	Registration No. (Attorney/Agent)	34,202
Signature	<i>Antoinette F. Konski</i>	Date	April 5, 2005

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Name (Print /Type)	Peggy Nichols	Date	April 5, 2005
Signature	<i>Peggy Nichols</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CERTIFICATE OF TRANSMISSION

☒ I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as First Class Mail to Addressee on the date indicated below in an envelope addressed to Attn. Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

☐ Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner _____ at Facsimile No. _____.

Dated: April 5, 2005

Name of Person Certifying: Peggy Nichols

Printed Name: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David J. SCHANZLIN, et al.

Group Art Unit: 3738

Serial No.: 08/993,696

Examiner: Willse, D.

Filed: December 18, 1997

For: RADIAL INTRASTROMAL
CORNEAL INSERT AND A
METHOD OF INSERTION

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION
ACCOMPANYING REQUEST FOR CONTINUATION
EXAMINATION (RCE) APPLICATION**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Final Office Action issued on September 1, 2004, in connection with the above-identified application. A response to this Action originally was due December 1, 2004. On February 25, 2005, a Petition for a Three Month Extension of Time and Notice of Appeal were filed. In view of the filing of this Petition and Notice of Appeal, a response or other action is now due April 25, 2005. Accordingly, the application is currently pending and the accompanying RCE is timely filed. The Listing of the Claims begins on page 2 of this Reply. The Remarks begin on page 4 of this Reply.